

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 54699,)
54700 AND 54701 FILED TO APPROPRIATE)
THE WATERS OF AN UNDERGROUND SOURCE)
IN MASON VALLEY, LYON COUNTY, NEVADA.)

RULING

4140

GENERAL

I.

Application 54699 was filed on April 27, 1990 by R.L. Fairbanks to appropriate 0.1 cfs (cubic feet per second) of water from an underground source for mining, milling and domestic purposes. The proposed point of diversion is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T.13N., R.26E., M.D.B.&M. The proposed place of use is located within parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T.13N., R.26E., M.D.B.&M.¹

Application 54700 was filed on April 27, 1990 by R.L. Fairbanks to appropriate 0.5 cfs of water from an underground source for mining, milling and domestic purposes. The proposed point of diversion is located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T.13N., R.26E., M.D.B.&M. The proposed place of use is located in parts of Sections 16, 17, 20 and 21, T.13N., R.26E., M.D.B.&M.²

Application 54701 was filed on April 27, 1990 by R.L. Fairbanks to appropriate 0.5 cfs of water from an underground source for mining, milling and domestic purposes. The proposed point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T.13N., R.26E., M.D.B.&M. The proposed place of use is located in parts of Sections 16, 17, 20 and 21, T.13N., R.26E., M.D.B.&M.³

The total combined duty proposed for Applications 54699, 54700 and 54701 is 94.2 acre-feet per year.^{1,2,3}

¹ File No. 54699, public record in the office of the State Engineer.

² File No. 54700, public record in the office of the State Engineer.

³ File No. 54701, public record in the office of the State Engineer.

II.

Water Resources Bulletin No. 38, "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", was cooperatively prepared in 1969 by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey.

III.

On January 20, 1977, the State Engineer designated and described the Mason Valley Ground Water Basin as in need of additional administration in accordance with NRS 534.030.⁴

FINDINGS OF FACT

I.

The proposed points of diversion under Applications 54699, 54700 and 54701 are located within the designated Mason Valley Groundwater Basin.^{1,2,3,4} The quantity of water already appropriated from this basin is approximately 150,000 AFA⁵ and the quantity of water actually diverted from the groundwater has increased to an estimated 90,000 AFA in 1994.⁶ Both appropriations and pumpage exceed the perennial yield of 25,000 AFA.⁷ As a result, the elevation of the groundwater surface has dropped dramatically in recent years.⁸ Some wells owned by holders of existing water rights were drilled deeper or plugged and re-drilled to ensure

⁴ State Engineer's Order No's. 627, January 20, 1977 and 691, September 7, 1977, public record in the office of the State Engineer.

⁵ Hydrographic Basin Abstract 9-108, public records in the office of the State Engineer.

⁶ Preliminary estimate from Division of Water Resources 1994 pumpage inventory, Basin 9-108, public records in the office of the State Engineer.

⁷ Water Resources Bulletin No. 38, p. 57.

⁸ Mason Valley water level measurements, public records in the office of the State Engineer.

adequate water supply.⁹ Causing some wells to go dry. The State Engineer finds that approving Applications 54699, 54700 and 54701, which seek to appropriate additional groundwater, would tend to further lower the groundwater table and cause additional conflicts with existing rights.

II.

The dramatic lowering of the groundwater in recent years has caused hardships to water right holders and to domestic well owners in Mason Valley.⁹ The approval of applications to appropriate additional water will magnify this problem. The State Engineer finds that the additional lowering of the groundwater table that would result from the pumping of the groundwater under Application 54699, 54700 and 54701 threatens to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹⁰

II.

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.¹¹

III.

The State Engineer concludes that the amount of ground water appropriated in the Mason Valley Ground Water Basin exceeds the perennial yield of the Basin. To grant the appropriations of

⁹ Well Completion Reports, and Well Driller's data base, public records in the office of the State Engineer.

¹⁰ NRS Chapters 533 and 534.

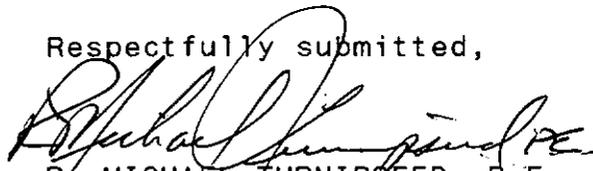
¹¹ NRS Chapter 533.370 subsection 3.

ground water requested by Applications 54699, 54700 and 54701 for additional consumption of ground water would adversely affect existing rights and threaten to prove detrimental to the public interest.

RULING

Applications 54699, 54700 and 54701 are denied on the grounds that the granting of these applications for appropriation of ground water in a basin where the water rights of record exceed the perennial yield would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/CAB/pm

Dated this 8th day of
September, 1994.